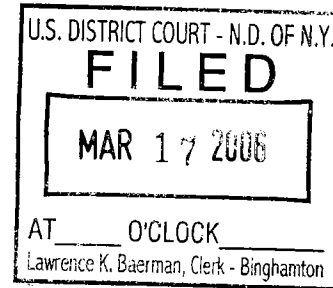


UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

THOMAS KALAMAS and
JANE KALAMAS, h/w, individually and
administrators of the estate of
MATTHEW T. KALAMAS deceased



Plaintiffs,

ORDER

v.

Civil Action File No.:
7:05-CV-1248
(TJM/GHL)

THE VILLAGE OF LOWVILLE, NEW YORK
THE LOWVILLE VILLAGE POLICE,
LOWVILLE PATROLMAN RYAN LEHMAN,
THE TOWN OF DENMARK, NEW YORK,
THE COUNTY OF LEWIS, NEW YORK
THE COUNTY OF LEWIS' SHERIFF'S DEPT.,
LEWIS COUNTY SHERIFF AL MICHAEL TALBOTT,
LEWIS COUNTY DEPUTY DARYL ORTLEIB,
NEW YORK STATE TROOPER JOHN DOE,
NEW YORK STATE TROOPER JANE DOE,

Defendants.

Upon the Notice of Motion to Dismiss, Attorney's Affidavit of Kevin G. Martin, and Memorandum of Law all filed on November 17, 2005 in support of the Motion to Dismiss of Lewis County Sheriff Al Michael Talbott, Lewis County Deputy, Daryl Ortleib and Lewis County, and the Motion to Dismiss, Attorney's Affidavit of Paul V. Mullin, Esq., and Memorandum of Law all filed on November 29, 2005 in support of the Motion to Dismiss of the Town of Denmark, the Notice of Motion to Dismiss, Attorney's Affidavit of Frederick F. Shantz, Esq. and the Memorandum of Law all filed on December 1, 2005 in support of the Motion to Dismiss of the Village of Lowville, New York, Lowville Village Police, Lowville Patrolman, Ryan Lehman, and the answering affirmation of Thomas Kalamas and Jane Kalamas, together

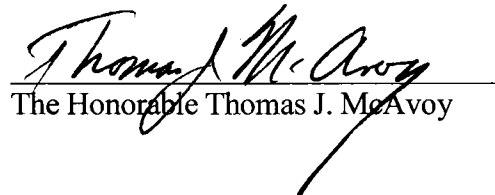
with exhibits, the Attorney's Affirmation of William Borrill dated January 24, 2006, and the Memorandum of Law all filed by Thomas Kalamas and Jane Kalamas in opposition to the Defendant's motions to dismiss and the Reply Memorandum of Law filed by the Lowville Village Police, Lowville Patrolman, Ryan Lehman entered February 1, 2006, it is hereby

ORDERED, that the Motions to Dismiss are GRANTED in part, and DENIED in part as follows:

1. The Motions to Dismiss the 42 USC § 1983 claims against the individual Defendants are DENIED.
2. The Motions to Dismiss the 42 USC § 1983 claims against the municipal Defendants are GRANTED.
3. The Motions to Dismiss the negligent hiring, training and retention claims against all Defendants are GRANTED.
4. Defendants' motions in all other respects are DENIED.

ENTER.

Dated: March 17, 2006
Binghamton, NY


The Honorable Thomas J. McAvoy